

Notice of Allowability

Application No.

10/712,032

Examiner

Michael Kornakov

Applicant(s)

SASAKI ET AL.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/21/2005.
2. ☒ The allowed claim(s) is/are 11-14.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/361,158.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Michael Kornakov
Primary Examiner
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Terminal Disclaimer

1. The terminal disclaimers filed on 09/13/2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,391,791 and U.S. Patent No. 6,644,117 have been reviewed and are accepted. The terminal disclaimers have been recorded.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. R. Carpenter, esq., on 08/31/2005.

The application has been amended as follows:

In claim 11 replace the words "halogen-containing" after the words "an oxygen-containing gas and a" by the words ---hydrogen chloride---

In claim 12 replace the words "halogen-containing" after the words "an oxygen-containing gas and a" by the words ---hydrogen chloride---

In claim 13 replace the words "halogen-containing" after the words "an oxygen-containing gas and a" by the words ---hydrogen chloride---

In the specification on page 1, between the title and the first paragraph, after the words "This application is a divisional application which claims the benefit of the application Serial No. 09/361,158, filed July 27, 1999" insert ---now U.S. Patent No. 6,685,848---.

In the Abstract delete the following last sentence: "The dry-etching method permits production of a half-tone phase-shift photomask comprising coarse and dense portions coexisting in a plane, the dimensional difference therebetween being considerably eliminated when patterns to be transferred to a wafer are formed on a photomask blank for a chromium-containing half-tone phase-shift mask."

Response to Applicants' amendment

3. All previous rejections and objections have been overcome by the amendment, filed 06/21/2005 in combination with the Examiner's amendment and the objections and rejections are withdrawn. Claims 11 and 12 were re-joined and examined on the merits.

Allowable Claims

4. Claims 11-14 are allowable over the prior art of record.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

Applicants have showed on this record that the product obtained by the dry-etching process as instantly claimed, which is understood as plasma enhanced dry

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etching process, is in fact different in terms of its surface structure from the prior art product. Therefore, claims 13 and 14 are allowed over the prior art of record. Claims 11 and 12 are given a patentable weight and allowed as being dependent on claim 13 and since they recite a process, which produces a novel product.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Kornakov whose telephone number is (571) 272-1303. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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M. Kornakov

Michael Kornakov
Primary Examiner
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09/16/2005